REMARKS

STATUS OF THE CLAIMS

In accordance with the foregoing, claims 1-7, 9-11 and 12 have been amended. New claim 14 has been added. Claims 1-14 are pending and under consideration.

No new matter is being presented, and approval of the amended claims is respectfully requested.

REJECTIONS UNDER 35 U.S.C. §112

On pages 2-4 of the Action, the Examiner rejects claims 1-13 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly out and distinctly claims the subject matter of the invention.

Regarding claims 3, 6 and 10, the Examiner states that the claims describe checking a condition before taking some action, yet then describe the action being taken before the determination of whether the condition is met.

Claims 3, 6 and 10 are amended herein to recite attempting to access contents and determining, via a computer, whether or not a condition for accessing the contents is satisfied. These amendments substantially reflect the Examiner's interpretation of the claimed features and, therefore, it is respectfully submitted that the rejections of claims 3, 6 and 10 are respectfully overcome. Approval is respectfully requested.

Regarding claims 5, 9 and 13, the Examiner states that the claims recite, "charging said terminal device", whereas the Examiner understands the process and system to charge a credit cad or some other payment mechanism.

Claims 5, 9 and 13 are amended herein to recite charging for accessing the contents. It is respectfully submitted that claims 5, 9 and 13, as amended, further clarify the features recited therein and overcome the rejections under 35 U.S.C. §112. Approval is respectfully requested.

Finally, regarding all pending claims 1-13, the Examiner states that the claims fail to correspond in scope with that which the applicant regards as the invention, as provided in the specification. Specifically, the Examiner states that the invention is directed to a method and system set in an environment involving software use, but the claims extend to any possible situation that could involve accessing contents.

However, independent claim 1, for example, recites reporting registration certification to *an accounting server from a terminal device*, when contents to be charged for are accessed in the terminal device and which is previously registered in said accounting server, and when the

propriety of the registration certification is confirmed, *reporting permission of access to the contents, from said accounting server to said terminal device, and making the contents accessible in said terminal device.*

Similarly, the claims directed to methods (see independent claim 2, for example) recite reporting, *via a computer*, registration certification to an accounting server from a terminal device when contents to be charged for are accessed in the terminal device and which is previously registered in said accounting server; confirming propriety of the reported registration certification in said accounting server, and performing fee charging; and *when the propriety of the registration certification is confirmed, reporting permission of access to the contents, from said accounting server to said terminal device, and making the contents accessible in said terminal device.* It is respectfully submitted that one of ordinary skill in the art would interpret the system and method claims to be set in an environment involving hardware that inherently executes software.

Further, various independent claims are directed to, for example, "An accounting monitoring device" (see independent claim 7) or "An accounting control device" (see independent claim 9). Moreover, claims 10-13 are explicitly directed to a computer-readable recording medium storing therein a program controlling a computer to perform processing. The claims directed to devices and computer-readable media storing a program are clearly within the scope of the invention as described in the specification

Therefore, it is respectfully submitted that all claims 1-13, as written, clearly correspond with the scope of the invention, as provided in the specification. That is, one of ordinary skill in the art would interpret the claims to be directed to methods and systems set in an environment involving software use. Thus, reconsideration and withdrawal of this rejection under 35 U.S.C. §112 is respectfully requested.

REJECTIONS OF CLAIMS 1-13 FOR OBVIOUSNESS UNDER 35 U.S.C. §103(a) AS BEING UNPATENTABLE OVER MICHEL ET AL. (U.S. PATENT NO. 3,562,690) IN VIEW OF LAMPSON ET AL. (U.S. 2003/0194094)

The rejections of claims 1-13 are respectfully traversed and reconsideration is requested.

On page 5 of the Action, the Examiner notes that Michel et al. does not teach when access is made to the contents, a license file in the terminal device is referred to, and, when the license file is determined to be valid, access to the contents is continued without accessing the accounting server, and when the license file is not determined to be valid, access to the accounting server is carried out, notification of charging is made to the accounting server and,

after the completion of the charging, access to the contents is continued. Thus, the Examiner cites Lampson et al. (hereinafter "Lampson") as disclosing these features.

However, the independent claims are amended herein to recite that when the license file is not determined to be valid, access to the accounting server is carried out, notification of charging is made to the accounting server and, after the completion of the charging, access to the contents is continued and a new license file received from the accounting server is installed. (For support, see Fig. 8, S3-12 and S2-14, of the present application).

In contrast, Lampson merely discusses that each time an application 209 wants to access stored content 221, it passes its rights manager certificate 210 and the appropriate application storage key to the DRMOS 205. The key is validated and the rights manager certificate 210 is compared against the access predicate 222. After authentication, contents 221 and the license 223 are decrypted. The DRMOS determines if the application's use of the content is permitted and allows access if it is. (See Lampson, paragraph [0093]).

It is noted that, as the Examiner suggests, Michel et al. merely discusses checking validity of the number of uses of a software program (see Michel et al. column 8, lines 24-32).

However, Michel et al. and Lampson fail to teach or suggest that a new license file received from the accounting server is installed, as recited in the independent claims. As a result, it is respectfully submitted that the independent claims, as amended, patentably distinguish over the prior art.

Claim 8 depends from claim 7 and claim 12 depends from claim 11. Therefore, it is respectfully submitted that dependent claims 8 and 12 patentably distinguish over the prior art.

NEW INDEPENDENT CLAIM 14

New claim 14 recites that when the license file is not determined to be valid, access to the accounting server is carried out, notification of charging is made to the accounting server and, after the completion of the charging, a new license file received from the accounting server is installed. Therefore, it is respectfully submitted that new claim 14 patentably distinguishes over the prior art for at least the reasons provided above.

CONCLUSION

It is respectfully submitted that the foregoing has demonstrated that the pending claims patentably distinguish over the references of record, taken singularly or in any proper combination, and, there being no other objections or rejections, that the application is in condition for allowance, which action is earnestly solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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